

Members

Rep. Ron Liggett, Chair
Rep. Jerry Denbo
Rep. Ben GiaQuinta
Rep. Gloria Goeglein
Rep. Thomas Saunders
Rep. David Wolkins
Sen. James Merritt, Vice-Chair
Sen. Rose Antich
Sen. Lindel Hume
Sen. Robert Jackman
Sen. James Lewis
Sen. Marvin Riegsecker



INTERIM STUDY COMMITTEE ON BUREAU OF MOTOR VEHICLE ISSUES

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MEETING MINUTES¹

Meeting Date: October 20, 2000
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St.,
House Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Rep. Ron Liggett, Chair; Rep. Gloria Goeglein; Rep. David Wolkins;
Rep. Jerry Denbo; Rep. Ben GiaQuinta; Sen. James Merritt, Vice-
Chair; Sen. James Lewis.

Members Absent: Rep. Thomas Saunders; Sen. Marvin Riegsecker; Sen. Robert
Jackman; Sen. Rose Antich; Sen. Lindel Hume.

1. Legislation

PD 3256

The Chair, Representative Ron Liggett, called the meeting to order at 10:48 a.m. Representative Liggett said that the Committee would begin by hearing legislation which was held over from the previous meeting. The first bill was Preliminary Draft (PD) 3256. This bill deals with motor vehicle certificates of title. It permits an automobile auctioneer, transfer dealer, or dealer licensed by that state to apply for a certificate of title by a stated procedure for a vehicle owned or transferred by the automobile auctioneer, transfer dealer, or another person. The bill also provides for a civil penalty for a dealer who fraudulently obtains a vehicle title.

Representative Liggett called upon Mr. Les Miller, Special Counsel to the Superintendent of the Indiana State Police. Mr. Miller addressed the Committee on PD 3256. Mr. Miller told the Committee of the opposition of the Indiana State Police (ISP) to the bill as drafted. Mr. Miller then provided the Committee with a Power Point presentation which pointed out the ISP's

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problems with PD 3256. Mr. Miller said that PD 3256 eliminates the current titling requirements for out-of-state vehicles: 1) certificate of title from vehicle's home state; 2) sworn bill of sale or dealer's invoice plus most recent registration if the other state does not have certificate of title law; 3) inspection by employee of dealer, military policeman, police officer, or BMV employee. Mr. Miller further commented that PD 3256 as drafted would provide the most liberal titling law in the country. Mr. Miller said that requiring a title provides the best evidence of ownership and lien interest; it provides evidence of the status of the car-salvage, rebuilt, junk, or flood damaged; it provides information on car mileage; it protects car owners from loss of vehicle; and it protects car purchasers from fraud. Mr. Miller further testified that requiring a police check: 1) ensures the vehicle is not stolen; 2) ensures that the vehicle does not have stolen parts; and 3) ensures the vehicle for which a title is sought exists.

Mr. Miller, in his Power Point presentation, said that PD 3256 requires: 1) copy of the retail installment sales contract or security instrument certified by the applicant demonstrating that the applicant has a lien or other interest in the vehicle; 2) an affidavit indicating whether the vehicle has or should have a branded title; 3) National Crime Information Center (NCIC) check and conveying the information to the ISP. Mr. Miller said that PD 3256 eliminates the current protections for car owners, car purchasers, and lien holders.

Next Mr. Miller showed a video from WISH TV 8 on the subject of titling out-of-state vehicles. Mr. Miller also said that PD 3256 would lessen the credibility of an Indiana title among dealers and among other states. He said that it would make it more difficult for Hoosiers to dispose of their cars.

The Committee then discussed PD 3256 among themselves and after questions of Mr. Miller, Representative Liggett said that the contents of PD 3256, as drafted, are beyond the scope of this Committee and moved that PD 3256 be tabled. The motion was seconded and passed by consent.

Mr. Jeff Byrd, Vice President, of the ADESA Corporation addressed the Committee on PD 3256. Mr. Byrd told the Committee that the ADESA Corporation deals mostly in repossessions.

PD 3111

Representative Liggett next brought up PD 3111. This bill establishes a moratorium on license branch closings. Representative Liggett asked the staff to explain why PD 3111 was being brought back after it had passed by a vote of 5 to 2 at the last Committee meeting. The LSA staff explained that the Legislative Council rules require that for a proposal to pass, it must received a majority vote of the elected and appointed members of the Committee, and not just a majority of those present. Representative Liggett asked for consent to bring back PD 3111 for another vote. Consent was given. The Chair then called for a vote on PD 3111. The vote was four in favor and three opposed. The bill did not receive a recommendation for introduction in the 2001 General Assembly.

PD 3449

Representative Liggett brought up PD 3449. This proposal establishes a Bureau of Motor Vehicle Technology Fund and provides that \$1 from service charges from various BMV transactions be allocated to the newly created Technology Fund. Representative Liggett said that PD 3449 would replace PD3154 which was passed at the last meeting because PD 3449 allocated a specific dollar amount to the newly created fund, whereby PD 3154 provided for the fund, but did not establish a specific dollar amount. The Chair requested a motion on PD 3154. The motion was seconded and PD 3154 passed by a vote of seven to zero.

PD 3444

The next proposal brought by the Chair was PD 3444. This proposal provides that the BMV may contract with a qualified person to provide partial license branch services. The Committee engaged in discussion about some aspects of PD 3444. The Committee, by consent, eliminated "without increasing the costs of providing the services", on page one, lines 26 and 27; established a fee of not more than \$20, page three, line 31; and changed the date on page seven, line 15, to July 2, 2002. PD 3444 passed by a vote of seven to zero.

PD 3177

Representative Liggett next brought PD 3177 for consideration. PD 3177 provides that Motor Vehicle Excise tax is due and payable to County Treasurer. Representative Liggett explained that PD 3177 was held over from the last meeting because the author, Representative Goeglein, was absent from the meeting. Representative Goeglein told the Committee that the contents of PD 3177 were first introduced by Representative Vern Tinchler in the 1999 Session of the General Assembly. Representative Goeglein said that her intent with PD 3177 was to reduce the workload on the license branches. Representative Liggett told the Committee that PD 3177 would be held.

2. Final Report

Representative called upon the LSA staff to comment on the draft copy of the Committee's Final Report. The staff told the Committee that the activities of today's meeting would be included in the Final Report, along with the changes regarding the vote on PD 3111. In addition, the Final Report would also reflect the passage of PD 3141, which abolishes the Bureau of Motor Vehicles Commission (BMVC) and transfers the duties performed by the BMVC to the BMV.

Representative Liggett called for a motion for concurrence and acceptance of the Final Report. The Final Report was accepted by consent.